

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America)

v.)

Luis Perez-Rodriguez,)
a/k/a "LuNTiph")Case No. 20-710-M)
)
)
)
)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of see attached affidavit in the county of Lehigh in the
Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

18 U.S.C. 2251(a)

Offense Description

Manufacturing/attempted manufacturing of child pornography

See Attachment A.

This criminal complaint is based on these facts:

See attached Affidavit

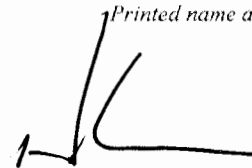
☒ Continued on the attached sheet.

Complainant's signature

Christopher M. Duncanson, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 5/1/2020

Judge's signature

City and state: Allentown, PA

Hon. Henry S. Perkin, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT OF FBI SPECIAL AGENT CHRISTOPHER M. DUNCANSON
IN SUPPORT OF ARREST WARRANT

I, Christopher M. Duncanson, a Special Agent with the Federal Bureau of Investigation (FBI), Philadelphia Division, being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI for 14 years, and am currently assigned to criminal investigations, federal criminal violations related to high technology or cybercrime, child exploitation, and child pornography. I have gained experience through training and everyday work related to conducting these types of investigations. I have received training in the area of child pornography and child exploitation and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. I have participated in investigations of persons suspected of violating federal child pornography laws, including Title 18, United States Code, Sections 2251. I have also participated in various FBI-mandated and other training for the investigation and enforcement of federal statutes prohibiting the production, distribution, and possession of child pornography.

2. As a Federal Agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

3. The statements in this Affidavit are based, in part, on information provided by other investigators, and on my investigation of this matter. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation.

4. I submit there is probable cause to believe that on or about April 28, 2020, LUIS PEREZ-RODRIGUEZ knowingly produced child pornography, in violation of Title 18, United

States Code, Section 2251(a) and (e) which states "any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in any sexually explicit conduct, and any attempts to do so, for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live depiction of such conduct, if such person knows or has reason to know the visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, if the visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer." is punishable.

BACKGROUND OF THE INVESTIGATION

5. On or about April 23, 2020 at approximately 6:27 p.m. CDT (all times below are listed in CDT), an FBI Under Cover Employee ("UCE") was in a Kik group, when an individual utilizing Kik ID: LuNTiph, Kik display name: Lu R, referred to hereafter as "Lu," was added to the group by another user, hereafter referred to as User1. Lu's Kik account showed this account had been active for 688 days.

6. After joining the room, User1 posted a video ("Video 1") and an image ("Image 1"), and stated that they were "Lu's" images and that they were taken live. The files are described as:

a. Video 1: This video depicts a minor girl wearing a red long-sleeved top and black pants with white stripes on the side. The child appears to be walking back and forth inside a kitchen. The focus of the picture is from the shoulders down.

b. Image 1: This image depicts the same minor girl wearing what appears to be a grey colored night gown with black and red plaid sleeves with a bear on the front.

7. After the images were posted, Lu sent the message “Thanks glad y’all like.” User1 then posted another video, also describing it as a live video, of what appeared to be the same child as in Video 1 and Image 1. This video, hereafter referred to as Video 2 depicts the minor girl wearing the same clothing as in Video 1. The child appears to be walking back and forth in a kitchen.

8. The UCE then asked Lu in the Kik chat if he was “Active or just perv?” to which Lu responded “Not sure what’d you call it lol. Kinda new but have discovered she sleeps very heavily.” Based on your affiant’s prior experience in child pornography investigations these terms are used to describe persons who are actively engaging in sexual activity with minors (“active”) and others who have an interest in sexual activity with minors, but who are not physically doing so (“just perv”). In the context of the chat room and their conversation, the UCE asked Lu if he was engaged in sexual activity with the children depicted.

9. On or about April 24, 2020 at approximately 3:54 a.m., Lu posted an image, hereafter referred to as Image 2, which depicted a minor girl wearing a green colored nightgown with white accents and yellow writing on the front, standing in what appears to be a kitchen area. The child and area resembles that of the child and area appearing in Video 1, Image 1, and Video 2. After posting Image 2, Lu then commented to others in the group that he was waiting for his daughter to go to sleep, commenting that it was “even easier cuz they both sleep heavy lol.” Lu also advised the group that he lives in the eastern part of the USA.

10. At approximately 8:44 a.m. Lu posted four additional images, herein referred to as Images 3 through 6. These images are of the same minor female child, wearing the same green colored night gown, as in Image 2. Other individuals are also seen in these images.

11. At approximately 8:52 a.m. Lu posted three additional images, herein referred to

as Images 7 through 9. These images depict the same minor girl that appears in all the previously described images and videos. The child is wearing dark colored pants with what appears to be pink and purple colored owls on them and a white colored shirt with black writing on the front. Another user of the group commented "Yummy I see little nips."

12. At approximately 10:19 a.m. Lu posted a live image, hereafter referred to as Image 10, which depicted what appears to be a minor girl sleeping on her side in a bed with a brownish and red colored blanket, grey colored sheets and tan colored pillows. The blanket is pulled back showing her butt area to the camera. The minor female is wearing what appears to be grey colored underwear with rainbows on them that have clouds on each end of the rainbow.

13. At approximately 10:34 a.m., a user within the Kik group commented "Need to climb in bed with cock ready (heart eyes emoji)." Following this comment, Lu posted another video, referred to as Video 3, which depicted what appears to be the same child as in Image 10, wearing what appears to be the same underwear which has been pulled down exposing her butt area. The individual holding the camera device moved closer to the child, and turned the camera to focus in on her lower butt and anus area. After Lu posted Video 3 a user within the Kik group posted the message "God lu that's heaven. Mmm."

14. On or about April 25, 2020 at approximately 2:17 p.m. Lu posted in the Kik the message "What's up fellas. Nothing new today. Everyone's been around. Feels like a full house here." Lu then posted an image of a nude female taking a selfie type photograph in front of a mirror and commented, "In the meantime between time lemme leave some pics of mommy here. (wink emoji)." Lu then posted several additional images of an adult woman who was nude and posing in several different positions in various areas of what appear to be inside a home. The female has tattoos on her upper arm and shoulder area as well as a tattoo on her upper chest.

15. On April 24, 2020, the UCE was added to a private Kik group where Lu, User1 and another user, hereafter referred to as User2, were members.

16. On **April 28, 2020** at approximately 10:11 a.m., Lu posted two images which are believed to be of his youngest daughter. Your Affiant reviewed these images and in your Affiant's opinion, they depict child pornography within the meaning of 18 U.S.C. § 2256. These images are hereafter referred to as Images 12 and 13 and are described as follows:

a. Image12: depicts a nude, prepubescent female child. The child appears to have her legs in the air and is exposing her genitalia to the camera. The child's diaper can be seen beneath her.

b. Image13: depicts a nude, prepubescent female child with her legs spread. What appears to be an adult male has his hands on the child's genitalia, spreading her vagina with his fingers.

17. On or about April 23, 2020 at approximately 3:47 p.m. the UCE was in communication with User1 when User1 posted three images and said another user had been "chattin this guy up." User1 then sent two images. The first image was the same image as Image 1 described above (minor female in grey colored night gown with red/black plaid sleeves). The second image appeared to be the same child, with the image taken of the child's back, wearing a nightgown with red/black plaid. The third image appears to be taken from underneath the child showing up her nightgown. The minor female is wearing what appeared to be the same underwear, grey with rainbow accents, depicted in Image 10 described above.

18. At approximately 3:10 p.m., User1 sent UCE the message "You'll see it's been a busy day" then a video, hereafter referred to as Video 4, which depicted the butt area of what appears to be a prepubescent girl laying on her side on grey colored sheets. The child is wearing

grey colored with rainbow accents that have clouds at the ends of the rainbows. An adult hand appears in frame and pulls her underwear aside to expose the child's lower buttocks and focuses the camera more closely on that area. The hand then moves to the top of her underwear, pulls it down and exposes the top of her butt. The adult is wearing a silver colored ring on what appears to be his left hand's ring finger and a tattoo can be seen underneath the ring. In the video a brown and red colored blanket, grey sheets and tan colored pillows can be seen, matching the items seen in Image 10. After sending this video, User1 then messaged, "Lu earlier."

19. At approximately 3:13 p.m. User1 sent an image, hereafter referred to as Image 15 which depicted a prepubescent girl lying on her side in what appears to be a bed. A red colored blanket, grey sheets and a tan colored pillow can be seen. The child's shirt is pulled up exposing her upper stomach and breast area. After User1 sent this image, he exchanged the following message with the UCE:

User1: Bit puffed up (wink emoji)

UCE: Uh huh. Bet the lower part is too

20. At approximately 3:15 p.m., User1 sent the UCE another image, hereafter referred to as Image16 which depicted the anus area of who appears to be a prepubescent child. The camera is focused closely on the child's anus, but a part of the child's pants can be seen. The pants match the pants described above as being dark colored with what appear to be pink and purple colored owls on them. In addition, grey sheets can be seen as well as what appears to be a small portion of a red blanket.

21. On April 26, 2020 at approximately 1:06 p.m. User 1 sent the UCE an image, hereafter referred to as Image 17, depicts a prepubescent girl wearing a pink shirt with light pink polka dots. The child is standing against a black chair and has what appears to be an orange

pacifier in her mouth. Various other items can be seen in the background.

22. User1 then sent the message “Lu’s 3.” UCE followed this by sending “Mmm didn’t know he had a younger.” User1 responded with “I didn’t either lol.” UCE and User1 exchanged other messages discussing Lu and at 1:10 p.m., User1 sent an image, hereafter referred to as Image18 which depicted a muscular adult male without a shirt, and wearing black shorts with red accent. The male has tattoos on his forearms, a shaved head and a goatee-type beard. He is holding the hand of a prepubescent girl which appears to match the child in Image 17, at an earlier age. This image of the adult male appears to match the profile picture in Lu’s Kik profile.

23. On April 30, 2020 at approximately 6:13 a.m., Lu left the “4 way” Kik group. At approximately 6:21 a.m. User1 sent the following messages to the Kik group:

User1: Lu split

Wife snoopin on my phone last two days. I’ll message u back when I think I’m good. Don’t want her seeing the title of the group n all that chats.

That was from Lu

24. At approximately 10:17 a.m. the UCE sent messages to User1 asking about Lu. User1 advised that Lu sent him “lots of live stuff,” that Lu would be back and that he had four females living in his house. The UCE told User1 that Lu had not sent the UCE anything, and User1 responded by sending a screen shot of images that were posted in the “4 way” Kik group prior to UCE being added to the group. The screen shot included a live image, hereafter referred to as Image 18 and a video, hereafter referred to as Video 5, described below:

a. Image18: depicts what appeared to be the same prepubescent girl (believed to be Lu’s youngest daughter), described above. The child appeared to be sleeping and

what appeared to be tan colored pillows and a brown/red colored blanket could be seen. An adult male was lying beside her, exposing his penis and testicles.

b. Video5: depicts what appeared to be the same prepubescent child depicted in Image18. The adult male, who appeared to be wearing blue colored underwear and grey colored shorts, is holding his erect penis in his hand and is masturbating over the child's head and face. He then rubs his penis on the child's face and rubs a clear substance onto her face. Other people and children can be heard in the background.

25. On April 29, 2020, an Emergency Disclosure Request to Kik requesting subscriber information regarding Kik account LuNTiph. In response Kik provided the following information:

First Name: Lu
Last Name: R
Email: herking58@gmail.com (unconfirmed)
Username: LuNTiph
Device Type: iPhone, iOS version 13.4
Registration Date: 2018/06/06 13:26:20 UTC

Kik also advised IP address 131.106.41.53 was utilized on 4/29/2020 at 16:19:08 UTC to logon to this account.

26. According to Maxmind.com, this IP address was owned by RCN Telecom Services, LLC, an Internet Service Provider. RCN is a client of Subsentio Legal Compliance Services. According to records obtained from Subsentio, this IP was assigned to Pamela Grady, 513 Benner Rd., Allentown, PA 18104 (the Subject Residence). Social media checks, records from the Pennsylvania Department of Transportation, and local police reports ultimately led investigators to target Luis Perez-Rodriguez as "Lu," and his residence as 513 Benner Road, Allentown, Pennsylvania 18014.

35. On May 1, 2020, your Affiant applied for and was granted a federal search warrant by United States Magistrate Judge Hernry S. Perkin, Eastern District of Pennsylvania, to search the residence at 513 Benner Rd., Allentown, PA 18104 and seize evidence of violations of 18 U.S.C. §§ 2251 and 2252.

36. The same day, May 1, 2020, this search warrant was executed at 513 Benner Rd., Allentown, PA 18104 by local and federal law enforcement. PEREZ-RODRIGUEZ was present outside the residence.

37. TIPHANI GRADY, MINOR 1, and MINOR 2 were encountered inside the residence. MINOR 1 is 10-years-old. MINOR 2 is 3-years-old. MINOR 1 and MINOR 2 appear to be the same children depicted in the above images sent by Kik user LuNTiph.

38. PEREZ-RODRIGUEZ was interviewed by your Affiant and admitted using Kik under the username LuNTiph.

39. PEREZ-RODRIGUEZ stated he was in a Kik chat room where he shared images and videos of his daughter, MINOR 1. PEREZ-RODRIGUEZ admitted one of the videos depicted PEREZ-RODRIGUEZ's penis rubbing against MINOR 1's face. The video described is consistent with Video 5.

40. PEREZ-RODRIGUEZ stated photos of his younger daughter, MINOR 2, which were close-up images of MINOR 2's vagina and anus, were sent by accident while he was trying to upload images of his wife. The images described by PEREZ-RODRIGUEZ are consistent with Image12 and Image 13.

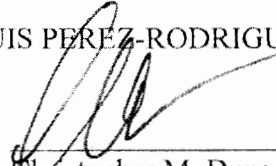
41. MINOR 1 was wearing underwear with rainbows and stars on them at the time of the search. These appear to be the same underwear depicted in Video 3.

42. PEREZ-RODRIGUEZ was in possession of an iPhone, which he said was used to access Kik and to send the images and videos.

43. Visible on PEREZ-RODRIGUEZ's left ring finger was a silver wedding band with a tattoo beneath. The ring and tattoo are consistent with the adult hand seen in Video 4.

CONCLUSION

44. Based upon the information above, I respectfully submit that there is probable cause to believe that LUIS PEREZ-RODRIGUEZ, date of birth August 6, 1988, did knowingly produce by computer visual depictions of minors engaged in sexually explicit conduct and did transmit them over the internet, a facility of interstate or foreign commerce in violation of Title 18 U.S.C. § 2251(a) and (e), as more fully set forth in Attachment A. therefore, respectfully requests that the arrest warrant be issued authorizing the arrest of LUIS PEREZ-RODRIGUEZ.



Christopher M. Duncanson
Special Agent
Federal Bureau of Investigation

Sworn and subscribed before me
this 1st of May, 2020.



HONORABLE HENRY S. PERKIN
UNITED STATES MAGISTRATE JUDGE

Attachment A

Count One – Manufacture and Attempted Manufacture of Child Pornography, 18 U.S.C. § 2251(a)

On or about April 28, 2020 in the Eastern District of Pennsylvania, the defendant, LUIS PEREZ-RODRIGUEZ, a/k/a “ LuNTiph,” employed, used, persuaded, induced, enticed and coerced a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of that conduct, and attempted to do so, and the visual depiction was produced using materials that had been mailed and shipped and transported in and affecting interstate and foreign commerce.